

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Bernier et al.

Docket No. 0184.03

Art Unit: 1616

Serial No. 10/670,598

Examiner: Frank I. Choi

Filed: September 26, 2003

For: Chemical Composition that Attract Arthropods

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBTAIN A JUDICIALLY CREATED DOCTRINE OF
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

The owner, The United States of America, as represented by the Secretary of Agriculture, of 100% interest in the instant application, hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,800,279. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly

owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined by 35 USC 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record.


Gail E. Poulos February 23, 2009

Please charge the Terminal disclaimer fee under 37 C.F.R. 1.20 (d) to deposit account 50-2134.